

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawaii 96813

July 14, 2006

Chairperson and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Land Board Members:

**SUBJECT: REQUEST APPROVAL OF MEMORANDUM OF AGREEMENT (MOA)
 BETWEEN THE DEPARTMENT OF LAND AND NATURAL RESOURCES
 AND THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII
 FOR COOPERATIVE FIREFIGHTING ACTIVITIES, STATEWIDE**

The Department has contract employees from The Research Corporation of the University of Hawaii (RCUH), whose duties are of a conservation nature. This work includes trail maintenance, invasive species control and containment. Many of these employees are interested also in firefighting duties.

The Department, under the auspices of HRS Chapter 185, Land Fire Protection Law, has the responsibility to take measures for the prevention, control, and extinguishment of wildland fires within forest reserves, public hunting areas, wildlife and plant sanctuaries, and natural areas. It also cooperates with established fire control agencies of the counties and federal government in developing plans and programs and mutual aid agreements for assistance for the prevention, control, and extinguishment of fires on forest, grass, brush, and watershed lands not within the department's fire protection responsibilities as described above. By pooling the resources of the Department and RCUH, we would be able to employ a more extensive and effective fire suppression strategy that would protect our valuable natural resources, while providing for public and firefighter safety. The Memorandum of Agreement (See Attachment 1), provides a guideline by which the Department will be able to train and equip the RCUH employees, as well as provide all documentation as outlined in the authorization letter (See Attachment 2).

The Attorney General's office has reviewed the Memorandum of Agreement and has approved the form as is.

July 14, 2006

RECOMMENDATION:

That the Board approve the Memorandum of Agreement between the Department and The Research Cooperation of the University of Hawaii, upon signature approval by the Attorney General's office.

Respectfully submitted,


PAUL J. CONRY
Administrator

Attachments 1 & 2

APPROVED FOR SUBMITTAL:



PETER T. YOUNG, CHAIRPERSON
Board of Land and Natural Resources

MEMORANDUM OF AGREEMENT

THIS MEMORANDUM OF AGREEMENT (hereafter "MOA"), entered on this _____ day of _____, 2006, by and between the STATE OF HAWAII (hereafter the "State"), by its Board of Land and Natural Resources and The Research Corporation of the University of Hawaii (hereinafter "RCUH") shall outline the responsibilities of each agency as it applies to the payment for RCUH employees who are deployed for firefighting activities with the State.

WITNESSETH THAT:

WHEREAS, under Chapter 185 of the Hawaii Revised Statutes, as amended, the Division of Forestry and Wildlife, Department of Land and Natural Resources, State of Hawaii has the responsibility to take measures for the prevention, control, and extinguishment of wildland fires within forest reserves, public hunting areas, wildlife and plant sanctuaries, and natural area reserves, and shall cooperate with established fire control agencies of the counties and the federal government in developing plans and programs and mutual aid agreements for assistance for the prevention, control, and extinguishment of fires on forest, grass, brush, and watershed lands not within the department's fire protection responsibilities; and

WHEREAS, the State has limited personnel and equipment suited for the task of dealing with wildland fire operations in the State of Hawaii; and

WHEREAS, RCUH has employees who are contracted to the State for conservation work and who are interested in firefighting duties with the State; and

WHEREAS, by pooling the resources of the State and RCUH, the combined strength and efforts of these two agencies would afford the people of the State of Hawaii more extensive and effective protection of their lives and property, and would add to the protection of valuable natural resources;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, the RCUH and the State do agree as follows:

(1) When used in this Agreement:

“State” shall mean the Division of Forestry and Wildlife, Department of Land and Natural Resources, State of Hawaii;

“RCUH” shall mean The Research Corporation of the University of Hawaii;

(2) That the State and RCUH recognize and commit to work within the provisions, authorities, and covenants of Chapter 185, Land Fire Protection Law, Hawaii Revised Statutes;

(3) That the State and RCUH also recognize the authorization letter dated June 16, 2005 regarding RCUH/DLNR Firefighters;

(4) That the State shall provide firefighter training to all RCUH employees prior to deployment of a fire assignment;

(5) That the State shall provide all personal protective equipment needed for firefighter safety;

(6) That the State will provide all necessary documentation as outlined in the authorization letter in (3) above;

(7) That the State and RCUH shall meet as needed to ensure compliance with all federal, state, and local rules and regulations regarding workmen’s compensation, safety, etc.;

(8) That the State and RCUH acknowledges that this is a memorandum of agreement only and not a binding contract giving rise to rights and remedies under this agreement, and that neither agency shall institute any action or proceeding for the enforcement of any of the terms of this MOA.

IN WITNESS WHEREOF, the parties hereto have caused this Memorandum of Agreement to be effective from the date of execution and will continue in force unless terminated by either party by sixty (60) days' written notice to the other.

Approved by the Board of Land and Natural Resources at its meeting held on _____, 2006.

The Research Corporation of the University of Hawaii

By _____
Its Director

DEPARTMENT OF LAND AND NATURAL RESOURCES,
STATE OF HAWAII

By _____
Chairperson
Board of Land and Natural Resources

APPROVED AS TO FORM:

Deputy Attorney General
State of Hawaii

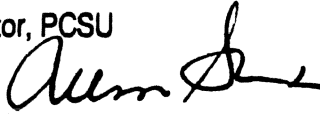
The Research Corporation of the University of Hawaii

Human Resources Department

June 16, 2005
DP061601.NS4

MEMORANDUM

TO: Dr. David C. Duffy
Principal Investigator, PCSU

FROM: Nelson Sakamoto 
Director of Human Resources

SUBJECT: ***RCUH/DLNR Fire Fighters -Authorization***

Confirming our telephone conversation today, the RCUH has conferred with our workers compensation carrier and we will authorize the use of RCUH employees working for the State Department of Land & Natural Resources (DLNR) through the PCSU to serve as wild land firefighters provided the following conditions are met:

1. This will initially be a voluntary for all current RCUH employees. If this becomes an ongoing part of the employee's job, we would insist that the employees' job descriptions are updated to reflect "firefighter requirements."
2. Any new jobs or replacement jobs may include provisions that the incumbent will serve as a wild land firefighter and must "post-offer firefighter training and physical examination requirements."
3. All current employees will be required to successfully complete a physical examination (at the cost of PCSU or DLNR) and successfully pass the DLNR Firefighter Training program. All copies of certifications will be provided to the RCUH Human Resources Department to be part of the employee's personnel records.
4. DLNR and/or PCSU will identify all employees designated as "wild land firefighters". DLNR and/or PCSU will provide the RCUH with all necessary documentation relating the firefighters' activities (i.e., hours, timekeeping for payroll differentials, etc.) as discussed in our May 26, 2005 meeting.
5. DLNR will ensure all RCUH employees are properly supervised at all times while performing firefighting duties.
6. Due to the hazardous nature of this work, the DLNR will allow any RCUH employee to refuse to serve as a firefighter at any time without any adverse personnel action.
7. Prior to commencing operations, PCSU will ensure all administrative details are worked out with DLNR to ensure proper documentation, time reporting, certifications, and other requirements. PCSU will coordinate with RCUH as needed.

By copy of this memo, I am informing all parties that attended our May 26, 2005 meeting that the RCUH supports the PCUS and DLNR in their efforts to augment their firefighting crews with RCUH/DLNR/PCSU employees.

cc: Wayne Ching/Earl Pawn – DLNR
Linda Hara/Lynnette Kinoshita – PCSU
Martina Amano – RCUH
Larry Busto/William Welch – John Connors
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